



ADMINISTRATIVE RULES COMMITTEE

Thursday, September 9, 2021
Roughrider Room, State Capitol
Bismarck, North Dakota

Senator Nicole Poolman, Chairman, called the meeting to order at 12:01 p.m.

Members present: Senators Nicole Poolman, Joan Heckaman, Jerry Klein, Randy D. Lemm, Shawn Vedaa; Representatives Bill Devlin, Tom Kading, Karen Karls, Kim Koppelman, Andrew Marschall, Brandy Pyle, Bernie Satrom, Nathan Toman, Robin Weisz

Members absent: None

Others present: See [Appendix A](#)

It was moved by Representative Toman, seconded by Representative Devlin, and carried on a voice vote that the minutes of the June 8, 2021, meeting be approved as distributed.

Ms. Jill Grossman, Counsel, Legislative Council, reviewed the [Administrative Rules Committee - Background Memorandum](#) and the [Supplementary Rules of Operation and Procedure of the North Dakota Legislative Management](#).

STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Mr. Darcie Handt, Executive Director, State Board of Registration for Professional Engineers and Land Surveyors, presented testimony ([Appendix B](#)) regarding the October 2021 rules of the board.

In response to a question from a committee member, Mr. John Ward, Special Assistant Attorney General, State Board of Registration for Professional Engineers and Land Surveyors, noted the board felt the use of the phrases "outside employment" and "to the detriment of their regular work or interest" in North Dakota Administrative Code (NDAC) Section 28-03.1-01-03 clearly referred to employment separate from the registrant's current employment and would not include future engineering or land surveying employment with a different employer.

It was moved by Representative Koppelman, seconded by Representative Marschall, and carried on a roll call vote that a third sentence to NDAC Section 28-03.1-01-03(3) be added to read "This shall not require the registrant to notify a current employer of a pending application or acceptance of subsequent employment." Senators Poolman, Heckaman, Klein, Lemm, and Vedaa and Representatives Devlin, Kading, Karls, Koppelman, Marschall, Pyle, Satrom, Toman, and Weisz voted "aye." No negative votes were cast.

SUPERINTENDENT OF PUBLIC INSTRUCTION

Mr. Jim Upgren, Assistant Director, Office of School Approval and Opportunity, Department of Public Instruction, presented testimony ([Appendix C](#)) regarding the October 2021 rules of the Superintendent of Public Instruction.

EDUCATION STANDARDS AND PRACTICES BOARD

Dr. Rebecca Pitkin, Executive Director, Education Standards and Practices Board, presented testimony ([Appendix D](#)) regarding the October 2021 rules of the board.

DEPARTMENT OF HUMAN SERVICES

Mr. Jonathan Alm, Director, Legal Advisory Unit, Department of Human Services, presented testimony regarding the October 2021 rules of the department relating to NDAC Chapter 75-03-15, Ratesetting for Providers

of Services to Foster Children - Qualified Residential Treatment Programs ([Appendix E](#)), and Chapter 75-03-40, Licensing of Qualified Residential Treatment Program Providers ([Appendix F](#)).

STATE DEPARTMENT OF HEALTH

Ms. Julie Wagendorf, Director, Food and Lodging Division, State Department of Health, presented testimony ([Appendix G](#)) requesting department rules NDAC Sections 33-33-10-01, 33-33-10-02, and 33-33-10-03, relating to cottage foods products, be repealed due to the invalidation of the rules by a state district court order.

It was moved by Representative Devlin, seconded by Senator Klein, and carried on a roll call vote that NDAC Sections 33-33-10-01, 33-33-10-02, and 33-33-10-03, as requested by the State Department of Health, be repealed. Senators Poolman, Heckaman, Klein, Lemm, and Vedaa and Representatives Devlin, Kading, Koppelman, Marschall, Pyle, Toman, and Weisz voted "aye." Representatives Karls and Satrom voted "nay."

OTHER BUSINESS

Upcoming meeting dates of the committee were announced as follows:

- Monday, December 6, 2021;
- Friday, March 4, 2022;
- Wednesday, June 1, 2022; and
- Monday, September 12, 2022.

No further business appearing, Chairman Poolman adjourned the meeting at 1:32 p.m.

Jill Grossman
Counsel

ATTACH:7